

PROB 12B
(7/93)

Report Date: May 4, 2009

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAY 07 2009

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Douglas Boyd Kelleher

Case Number: 2:09CR00055-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley

Date of Original Sentence: 03/27/2000

Type of Supervision: Supervised Release

Original Offense: Aiding & Abetting Armed Bank Robbery, 18 U.S.C. § 2 & 2113(a)(d); Aiding & Abetting Carrying a Firearm in Relation to a Crime of Violence, 18 U.S.C. § 2 & 924(c); Possession of Destructive Device, 18 U.S.C. § & 26 U.S.C. 26 § 5861(d)

Date Supervision Commenced: 04/20/2007

Original Sentence: Prison - 120 Months;
TSR - 60 Months

Date Supervision Expires: 04/19/2012

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 20 You shall complete a mental health evaluation and follow any treatment recommendations. You shall allow reciprocal release of information between the supervising probation officer and treatment provider. You shall contribute to the cost of treatment according to your ability.
- 21 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

On March 30, 2009, the offender reported to the U.S. Probation Office. He provided this officer with a copy of a restraining order his ex-girlfriend filed against him on March 24, 2009. The case number is 989495DV and this restraining order was filed in Spokane County District Court. Mr. Kelleher was directed by this officer to cease all contact with the ex-girlfriend.

On April 14, 2009, this officer conducted a routine records check with the Spokane Police Department (SPD). This inquiry resulted in five police reports being filed by SPD officers between February 24, 2009, through March 6, 2009. These reports reflected that the offender's old girlfriend had filed police reports listing the offender as a suspect in harassment, malicious mischief (3 counts), burglary, and theft of her property.

Prob 12B

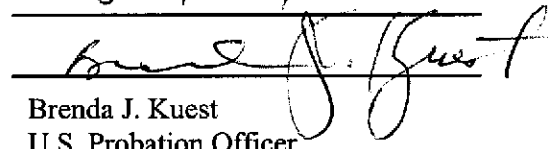
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On April 14, 2009, this officer contacted a SPD sergeant to find out which detective was assigned to investigate the five pending cases that occurred between February 24, 2009, through March 6, 2009, against the offender. Communication with this detective on April 22, 2009, revealed that his investigation would not result in criminal charges being filed at this time against the offender.

On April 29, 2009, this officer directed Mr. Kelleher to report to the probation officer. The offender complied with this directive. As a result, the offender signed the above outlined modification to cooperate with mental health counseling and submit up to six urinalysis tests per month. He understands the rationale behind this modifications.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

5-4-09
Brenda J. Kuest
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer

Date

5/7/09

United States District Court

Eastern District of Washington

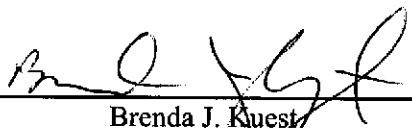
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

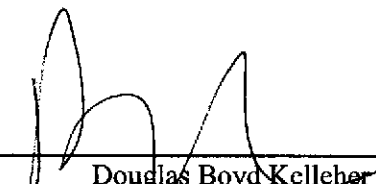
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

- 20 You shall complete a mental health evaluation and follow any treatment recommendations. You shall allow reciprocal release of information between the supervising probation officer and treatment provider. You shall contribute to the cost of treatment according to your ability.
- 21 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Witness:


Brenda J. Kuest
U.S. Probation Officer

Signed:


Douglas Boyd Kelleher
Probationer or Supervised Releasee

April 29, 2009

Date